

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALCOLM COOK,

Plaintiff,

vs.

Case Nos. 19-11764, 19-11765

MICHIGAN DEPARTMENT  
OF CORRECTIONS, et al.,

HON. AVERN COHN

Defendants.

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**ORDER OF DISMISSAL WITHOUT PREJUDICE**

These are employment discrimination cases. On June 13, 2019, plaintiff Malcolm Cook, proceeding pro se, filed two nearly identical complaints regarding his employment with the Michigan Department of Corrections (MDOC). In Case No. 19-11764 he names the MDOC, Warden Randal Haas, Lieutenant WeBog, CO Liadi, and Assistant Deputy Warden DeAngelo as defendants. In Case No. 19-11765, he names the MDOC, Jeff Foldie, Tom Tyluti, Jonathan Hill, and Ponda Esu as defendants.<sup>1</sup> As best as can be gleaned, plaintiff alleges that defendants discriminated and retaliated against him and he was wrongfully terminated from his employment with the MDOC. The EEOC closed its file because plaintiff did not timely file a charge with them. The Court subsequently denied plaintiff IFP status in both cases and plaintiff paid the filing fee in each case.

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<sup>1</sup>The undersigned was assigned Case No. 19-11765 as a companion to Case No. 19-11765. See ECF No. 4 in Case No. 19-11765.

Thereafter, plaintiff took no action in either case nor has he attempted to serve any of the defendants. Accordingly, on October 24, 2019, the Court entered orders to show cause in each case, directing that plaintiff respond by November 7, 2019 as to why the cases should not be dismissed for failure to prosecute. See ECF No. 6 in Case No. 19-11764 and ECF No. 10 in Case No. 19-11765.

Plaintiff did not respond to the show cause order by November 7, 2019. However, on November 14, 2019, plaintiff filed responses in both cases. See ECF No. 7 in Case No. 19-11764 and ECF No. 11 in Case No. 19-11765. Plaintiff asks that the show cause be rescheduled because he is still gathering evidence and his attorney passed away. Plaintiff's responses are not satisfactory. He does not indicate how much time he needs or explain why none of the defendants have been served. Under these circumstances, including plaintiff's history of litigation in this district,<sup>2</sup> both cases

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<sup>2</sup>As noted in the orders denying plaintiff IFP status, he has been a prolific filer in this district. Most, if not all, of the cases were dismissed for failure to pay the filing fee and/or for failure to prosecute. See Cook v. Mich. Dep't of Corr., No. 06-cv-15703, 4/24/2007 Order (Doc. 8) (Battani, J.) (dismissing Plaintiff's employment discrimination action after failing to show good cause for failing to pay the filing fee); Cook v. Mich. Dep't of Corr., et al., No. 07-cv-13980, 3/13/2008 Order (Doc. 10) (Roberts, J.) (dismissing Plaintiff's employment discrimination action for failing to pay the filing fee); Cook v. Mich. Dep't of Corr., et al., No. 11-cv-10709, 6/29/2011 Order (Doc. 4) (Murphy, J.) (dismissing Plaintiff's employment discrimination action for failing to serve the defendants); Cook v. Taxak, et al., No. 13-cv-10821, 9/25/2013 Order (Doc. 23) (Murphy, J.) (adopting R&R and dismissing Plaintiff's employment discrimination action for failure to prosecute); Cook v. Mich. Dep't of Corr., No. 13-cv-11483, 7/5/2013 Order (Doc. 6) (Lawson, J.) (dismissing Plaintiff's employment discrimination action for failing to pay the filing fee); Cook v. Hosey, No. 13-cv-11484, 5/15/2013 Order (Doc. 6) (Friedman, J.) (dismissing Plaintiff's employment discrimination action for failing to pay the filing fee); Cook v. Mich. Dep't of Corr.-Muskegon Corr. Facility, No. 14-cv-12314, 2/17/2015 Order (Doc. 24) (Edmunds, J.) (accepting R&R and dismissing Plaintiff's employment discrimination action with prejudice for repeated noncompliance with court orders); Cook v. Macomb Correctional Facility, No. 15-cv-11780, 7/31/15 Order (Doc. 10) (Goldsmith, J.) (dismissing case for failure to respond to show cause order and

are DISMISSED WITHOUT PREJUDICE for failure to prosecute. See E.D. Mich. LR  
41.2.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: 11/19/2019

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failure to correct deficiencies in IFP application).